

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 11, 1998

DIVISION ONE

B114468 People (Not for Publication)
v.
Collins

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B108639 Los Angeles County, D.C.S. (Not for Publication)
v.
Marcellus P.

We affirm the jurisdiction and disposition orders of August 29, 1996, and December 18, 1996.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

[illegible]

The order sustaining count 2 is reversed. The matter is remanded for the trial court to enter a dismissal of that count and recalculate the maximum term of confinement. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

March 11, 1998-Continued

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B109393 Williams (Not for Publication)
v.
Pro-Active Management, Inc.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B107024 People (Not for Publication)
v.
Bandino

The judgment is affirmed.

Aldrich, J.

I concur: Kitching, Acting P.J.

March 11, 1998-Continued

DIVISION THREE (Continued)

B107713 People (Not for Publication)

V.

Bounpraseuth

The judgment is affirmed.

Aldrich, J.

I concur: Croskey, Acting P.J.

B110194 Levenson (Not for Publication)

V.

Massachusetts Mutual Life Insurance Co.

The judgment is affirmed. Costs on appeal awarded to respondent Massachusetts Mutual Life Insurance Company.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B103978 Family Planning Associates Medical Group (Not for Publication)

V.

Belshe

The judgment is reversed and the trial court is directed to recall the writ of mandate issuing over the date of April 25, 1996. Appellant awarded costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

March 11, 1998-Continued

DIVISION FOUR

B107852 People (Not for Publication)
v.
Armenta

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

B110224 People (Not for Publication)
v.
Miller

The judgment is modified by reducing the vehicular burglary to attempted vehicular burglary, and as so modified is affirmed. The cause is remanded to the trial court for resentencing in accordance with the determination made herein.

Baron, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B111958 People v. Randy G.
B108297 People v. Paul Montoya
B115522 People v. Doreen M.
B109922 People v. Manuel Gonzalez
B112226 People v. Victor Thomas
B109558 People v. Melvin Clark
B113623 People v. Edgar Rudd

Argument waived, cause submitted.

B116642 The People
 v.
 Rajahd Reon Phillips

Merits:

Argued by Hilda Scheib for appellant and no appearance for respondent.
Submission deferred until April 10, 1998.

B102700 Meller & Snyder
 v.
 R & T Properties, Inc.

Appearances:

No Appearance for appellant and William C. Snyder for respondent.
Argument waived, cause submitted.

DIVISION FIVE (Continued)

B108321 Edward G. Valiquette
 v.
 Certified Crane Services Inc.

Appearances:

Mark S. Neiswender for appellant and by James S. Bryan for respondent.
Argument waived, cause submitted.

B107032 Maya Ashworth
 v.
 Blue Cross of California

Merits:

Argued by Christopher Ashworth for appellant and by Aileen F. Bruno for respondent. Cause submitted.

Court recessed.

The Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B110338 Helen J. Cuen
 v.
 Kinder Care, Inc.

Merits:

Argued by Michael G. Portner for appellant and by Catherine La Tempa for respondent. Cause submitted.

B103931 Earle Shoftsall
 v.
 Alexis Galindo

Merits:

Argued by Joseph Curd for appellant and by Brian Watkins for respondent.
Cause submitted

Court recessed.

March 11, 1998-Continued

DIVISION FIVE (Continued)

The Court reconvened at 10:20 a.m.

Present: Turner, P.J., Grignon, J., Hastings, J. (Assigned), and Zaida G. Heraldez, Deputy Clerk.

B106945 Charles Gold et al.
v.
Gold Realty Company et al.

Merits:

Argued by Howard I. Freidman for appellants and by Henry J. Tashman and David Elson for respondents. Cause submitted.

Court recessed.

The Court reconvened at 11:20 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B110437 People v. William Del Lisenbee
B100876 People v. Carlos Toletino
B108503 People v. Coulter & Rhodes
B107874 People v. Richard McCrimmon
B107647 Villarreal v. Villarreal
B108226 People v. Jeffrey Alfonso Rosas

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B114312 Condor Insurance Company
 v.
 Williamburg National Ins. Co.

Merits:

Argued by Gregory F. Stannard for appellant and by Robert A. Cutbirth for respondent. Cause submitted.

B107475 The People
 v.
 Rodarte, Santiago & Orozco

Merits:

Argued by Allen Weinberg, Tom Stanley and Gilbert Rodriguez for appellants and by David Andrew Eldrige, Deputy Attorney General, for respondent. Cause submitted.

B101241 Josie Rodriguez
 v.
 State of California

Merits:

Argued by Lee R. Felman for appellant and by Edward H. Ochoa, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B110880 Teresa Gutilla
 v.
 National Mutual Ins. Co.

Merits:

Argued by Michael S. Fields for appellant and by Devera Petak for respondent. Cause submitted.

DIVISION FIVE (Continued)

B106213 Barbara Sue Ross
 v.
 California Fair Plan Assn.

Appearances:

No appearance for appellant and by Cathey A. Stricker for respondent.
Argument waived, cause submitted.

B118183 Mariana B.
 v.
 S.C.L.A.
 (DCS, r.p.i.)

Merits:

Argued by Kim Kedeshian and Randall Pacheco for real parties in interests
and there being no appearance for petitioner. Cause submitted.

B108316 County of Los Angeles
 v.
 Mariana B.

Merits:

Argued by Judy Weissberg-Ortiz for appellant and Kim Kedeshian and Jane
Winer for respondents. Cause submitted.

B105677 Steven J. Wohl
 v.
 Law Offices of George Aaron

Merits:

Argued by Steven J. Wohl, in propria persona, and by Catherine Steveson
Garcia for respondent. Cause submitted.

DIVISION FIVE (Continued)

B095530 Lionel A. Daley
 v.
 Fred Rucker

Merits:

Argued by Peter W. Anderson for respondent and by Howard Wollitz for respondent. Cause submitted.

Court adjourned.

B107006 John Durden
 v.
 Carolyn Carlburg

Filed order denying petition for rehearing.

B108564 Richard Salant
 v.
 Spensley Horn Jubas et al.

Filed order denying petition for rehearing.

B110385 Shi
 v.
 Chen

On the court own motion, the appeal (notice of appeal filed March 5, 1997) is dismissed. Respondent is awarded its costs on appeal.

March 11, 1998-Continued

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Yegan, J., and G. Bents, Deputy Clerk.

Each of the following:

B106311 Tizzano v. PG & E
B110050 Marriage of Iarikova

Argument is continued to March 12, 1998, at 9:00 a.m.

B111900 Kapelus v. Dickerson

Argument is continued to the April 1998, calendar.

B112062 Huntley
 v.
 Gordon

Merits:

Argued by David R. Ellison for appellant and by Judith E. Gordon for respondent. Counsel stipulate in open court to waive Justice Gilbert's appearance and that he may participate by listening to the audio tape recording of this argument. Cause submitted.

Court recessed at 9:30 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

B112356 Estate
 v.
 Burkett

Merits:

Argued by Gertrude D. Chern for appellant and by Joseph Lechman for respondent. Cause submitted.

B105875 Venus
 v.
 Nutri-Homo, Inc.

Merits:

Argued by Lloyd S. Wolf for appellant and by Christopher I. Ritter for respondent. In open court the court announced its intention to deny appellants' motion for leave to produce additional evidence filed May 2, 1997. Appellants' request for leave to file a reply to respondent's objection, filed March 9, 1998, to the declaration of Gale Okzazki Hughes is denied and withdrawn. Appellants' request to file a supplemental reply brief is opposed and denied. Cause submitted.

Court adjourned at 2:20 P.M.

B108442 People
 v.
 Ortiz

Filed order modifying opinion (no change in judgment) and denying petition for rehearing. Yegan, J. would grant petition.

DIVISION SIX (Continued)

B105480 Abdool (Not for Publication)
v.
Jackson et al.

We uphold the trial court's issuance of sanctions at trial, and we issue further sanctions against Mathews in the total sum of \$5,000 for filing the instant, frivolous appeal to be paid to Katten Muchin & Zavis and Sanger & Swysen. (*In re Marriage of Flaherty, supra*, 31 Cal.3d 637, 649-650; Cal. Rules of Court, rule 26(e); Code Civ. Proc., § 907.) We direct the clerk of this court to order the award of costs jointly to Katten Muchin & Zavis and Sanger & Swysen. (Cal. Rules of Court, rule 26(a).)

In light of Mathews' unreasonable failure to comport with the California Rules of Court (Code Civ. Proc., §§ 1032, subds. (a) (4), (b); 1033.5, subd. (a) (10) (B) (C); 2023, subd. (b) (1)), we direct the trial court to award reasonable attorneys' fees and costs to respondents' counsel.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SEVEN

B109886 People (Not for Publication)
v.
Sarkisyan

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

March 11, 1998-Continued

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B108506 People (Not for Publication)
v.
Camarillo

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B112395 People (Not for Publication)
v.
Geraldo a.k.a. Gutierrez

The punishment imposed on the conviction for possession of a firearm by a felon (§ 12021.1) is stayed. In all other respects the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

March 11, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The sentence is reversed and the cause remanded for a new sentencing hearing so that the court can exercise its discretion to impose the prison terms in accord with the views stated herein and Penal Code section 654. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B102401 Tanner (Not for Publication)
v.
Smith & Sons Enterprises Co., Inc.

The judgment is affirmed. Respondent to recover its costs of appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B105276 People (Not for Publication)
v.
Serrano

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

March 11, 1998-Continued

DIVISION SEVEN (Continued)

B098659 Amega
 v.
 Amega

Filed order denying petition for rehearing.